

HOUSE BILL 79

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Andrea Reeb

AN ACT

RELATING TO DELINQUENCY; PROVIDING THAT THE STANDARD OF PROOF
IN PROBATION REVOCATION PROCEEDINGS SHALL BE A PREPONDERANCE OF
THE EVIDENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 32A-2-24 NMSA 1978 (being Laws 1993, Chapter 77, Section 53, as amended) is amended to read:

"32A-2-24. PROBATION REVOCATION--DISPOSITION.--

A. A child on probation incident to an adjudication as a delinquent child who violates a term of the probation may be proceeded against in a probation revocation proceeding. A proceeding to revoke probation shall be begun by filing in the original proceeding a petition styled as a "petition to revoke probation". Petitions to revoke probation shall be screened, reviewed and prepared in the same manner and shall contain the

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1 same information as petitions alleging delinquency. Procedures
2 of the Delinquency Act regarding taking into custody and
3 detention shall apply. The petition shall state the terms of
4 probation alleged to have been violated and the factual basis
5 for these allegations.

6 B. The standard of proof in probation revocation
7 proceedings shall be a preponderance of the evidence, ~~[beyond a~~
8 ~~reasonable doubt]~~ and the hearings shall be before the court
9 without a jury. In all other respects, proceedings to revoke
10 probation shall be governed by the procedures, rights and
11 duties applicable to proceedings on a delinquency petition. If
12 a child is found to have violated a term of the child's
13 probation, the court may extend the period of probation or make
14 any other judgment or disposition that would have been
15 appropriate in the original disposition of the case."

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